

REMARKS

1. Applicant thanks the Office for its remarks and observations which have greatly assisted Applicant in responding. Applicant particularly appreciates the Examiner's kind assistance provided during a telephone interview on July 14, 2009. During said interview, Applicant pointed out to the Examiner that the combination failed to teach or suggest the subject matter of Claim 12, and that the rejection thereof was thus improper. The Examiner agreed with Applicant that the combination did not appear to teach or suggest the subject matter of Claim 12. Additionally, the Examiner offered Applicant kind leave to file an amendment under 35 CFR § 1.116 to for favorable reconsideration of the Claims.

2. **OBJECTION TO THE SPECIFICATION**

The specification is objected to as allegedly failing to provide proper antecedent basis for the Claim element "computer-readable storage medium." Applicant respectfully notes that the Amendment of February 20, 2009 amended the specification to provide support for the subject matter. The present objection is therefore improper.

2. **35 U.S.C. § 103**

Claims 1, 5-8 11, 13, 17-20 and 23-25 are rejected as being unpatentable over U.S. patent application publication no. 2003/0182391 ("Leber") in view of U.S. patent no. 7,139,798 ("Zircher") and further in view of U.S. application pub. no. 2003/0233265 ("Lee").

Claim 12: As Applicant pointed out to the Examiner, the combination fails to teach or suggest the subject matter of Claim 12:

"wherein said automated agent performs any of:

proactively sending, to said messaging client, messages comprising, but not limited to, alerts and reminders; and
determining resource availability."

The present rejection of Claim 12 is therefore improper, rendering the subject matter of Claim 12 allowable over the combination.

Claim 12 is cancelled from the Application and its subject matter incorporated into Claim 1 by amendment. Because amended Claim1 incorporates subject matter

neither taught nor suggested by the combination, it is deemed allowable over the combination. The rejection of Claim 1 is therefore overcome. Claims 13 and 25 are amended in the same manner as Claim 1 and are therefore deemed allowable for the same reasons that Claim 1 is allowable.

In view of their dependence from allowable parent Claims, the dependent Claims are deemed allowable without any separate consideration of their merits.

3. No new matter is added by way of the above amendments. The above amendments are made solely for expediency in recognition of the Office policy of compact prosecution. Such amendments do not constitute agreement by Applicant with the Examiner's position, nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in future submissions to the Office.

4. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he or she is encouraged to contact the Applicant's attorney Michael A. Glenn at (650) 474-8400.

Respectfully submitted,



Michael A. Glenn
Reg. No. 30,176

Customer No. 22,862